

(c) The plan revisions listed below were submitted on the dates specified.

(24) A revision permanently extending Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) "Sulfur Content of Fuels and Control Thereof" for the Central Massachusetts APCD, submitted on March 2, 1979 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

2. Section 52.1126, paragraph (c) is revised to read as follows:

§ 52.1126 Control strategy: Sulfur oxides.

(c) Massachusetts Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) which allows a relaxation of sulfur in fuel limitations for the Central Massachusetts Air Pollution Control District, except in the City of Worcester, is approved for the following sources. All other sources remain subject to the previously approved requirements of Regulation 7.05(1) which stipulate that sources are required to burn residual fuel oil having a sulfur content not in excess of 0.55 pounds per million BTU heat release potential (approximately equivalent to 1 percent sulfur content fuel oil).

American Optical Company, Southbridge,
Wyman Gordon Company, Grafton, James
River—Massachusetts Inc., Fitchburg,
Fitchburg Paper Company, Fitchburg (only
boilers which emit through the 55 meter
stack).

[FR Doc. 79-21785 Filed 7-13-79; 9:45 am]

BILLING CODE 6560-01-M

40 CFR Part 62

[FRL 1259-8]

Approval and Promulgation of State Plans for Designated Facilities; Emission Control of Existing Phosphate Fertilizer Plants

AGENCY: Environmental Protection Agency.

ACTION: Rule.

SUMMARY: Regulations promulgated under the provisions of Section 111(d) of the Clean Air Act as amended, require states to submit to the Environmental Protection Agency plans to control fluoride emissions from existing phosphate fertilizer plants. Alternately, a state can submit to the Environmental Protection Agency a "negative declaration" which certifies that no phosphate fertilizer plants exist within the state's boundaries. In the March 21, 1979 Federal Register (44 FR 17193) the

Environmental Protection Agency proposed approval of negative declarations submitted to it by the States of New York and New Jersey, the Commonwealth of Puerto Rico, and the Territory of the Virgin Islands. The purpose of this Federal Register notice is to announce final approval of these negative declarations.

DATES: This action becomes effective July 16, 1979.

FOR FURTHER INFORMATION CONTACT: Alexander Salpeter, Planning Section, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007, (212) 264-2517.

SUPPLEMENTAL INFORMATION: Section 111(d) of the Clean Air Act, as amended, and 40 CFR Part 62 require states to submit to the Environmental Protection Agency (EPA) plans to control emissions of designated pollutants from designated facilities. "Designated pollutants" are pollutants which are not included on a list published under the provisions of Section 108(a) of the Clean Air Act (National Ambient Air Quality Standards for Criteria Pollutants) or Section 112(b)(1)(A) of the Clean Air Act (Hazardous Air Pollutants), but which are pollutants for which standards of performance for new sources have been established under Section 111(b) of the Clean Air Act (New Source Performance Standards). A "designated facility" is an existing facility which emits a designated pollutant and which would be subject to a new source performance standard for that pollutant if the facility were new.

Fluoride emissions from phosphate fertilizer plants are the first of a series of designated pollutants and facilities for which control plans are required. The standard of performance for fluoride emissions went into effect on March 1, 1977 when the notice of the availability of the final guideline document on this subject was published in the Federal Register (40 FR 12022).

On March 21, 1979 (44 FR 17193) EPA proposed in the Federal Register approval of "negative declarations" relating to fluoride emission from existing phosphate fertilizer plants for the States of New York and New Jersey, the Commonwealth of Puerto Rico and the Territory of the Virgin Islands. In the proposal, EPA invited the public to submit written comments on its intent to approve the "negative declarations" consistent with the requirements of Section 111(d) of the Clean Air Act and 40 CFR Part 62; EPA received no comment. Therefore, EPA is hereby promulgating its approval of the

"negative declarations" as submitted by the States of New York and New Jersey, the Commonwealth of Puerto Rico, and the Territory of the Virgin Islands without change. Furthermore, this action is being made effective immediately as it poses no hardship on any source.

Dated: July 6, 1979.

Barbara Blum,

Acting Administrator, Environmental Protection Agency.

Part 62, Subchapter C, Chapter I, Title 40 of the Code of Federal Regulations is amended by adding Subparts FF, HH, BBB, and CCC, §§ 62.7600, 62.8100, 62.13100 and 62.13350 as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

Subpart FF—New Jersey

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.7600 Identification of plan—Negative declaration

The New Jersey Department of Environmental Protection submitted, on May 20, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to Part 60, Subpart B of this Chapter.

Subpart HH—New York

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.8100 Identification of plan—Negative declaration

The New York State Department of Environmental Conservation submitted, on May 12, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to Part 60, Subpart B of this Chapter.

Subpart BBB—Puerto Rico

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.13100 Identification of plan—Negative declaration

The Commonwealth Environmental Quality Board submitted, on January 31, 1978, a letter certifying that there are no existing phosphate fertilizer plants in Commonwealth subject to Part 60, Subpart B of this Chapter.

Subpart CCC—Virgin Islands**Fluoride Emissions From Phosphate Fertilizer Plants****§ 62.13350 Identification of plan—
Negative declaration**

The Territory Department of Conservation and Cultural Affairs submitted, on November 3, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the Territory subject to Part 60, Subpart B of this Chapter.

(Section 111 and 301(a), Clean Air Act, as amended (42 U.S.C. 7413 and 7601)).

[FR Doc. 79-21926 Filed 7-13-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[PP 8E2153/R215; FRL 1273-6]

**Tolerances and Exemptions From
Tolerances for Pesticide Chemicals in
or on Raw Agricultural Commodities;
Carbaryl**

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).
ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide carbaryl on pistachio nuts at 1 part per million (ppm). The regulation was requested by the Interregional Research Project No. 4. This rule establishes a maximum permissible level for residues of carbaryl on pistachio nuts.

EFFECTIVE DATE: Effective on July 16, 1979.

FOR FURTHER INFORMATION CONTACT: Mrs. Patricia Critchlow, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW., Washington, DC (202/426-0223).

SUPPLEMENTARY INFORMATION: On May 16, 1979, the EPA published a notice of proposed rulemaking in the Federal Register (44 FR 28693) in response to a pesticide petition (PP 9E2153) submitted to the Agency by the Interregional Research Project No. 4 (IR-4), New Jersey State Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of California. This petition proposed that 40 CFR 180.169 be amended by the establishment of a tolerance for residues of the insecticide carbaryl (1-naphthyl N-methylcarbamate) including its hydrolysis product 1-naphthol, calculated as carbaryl, in or on the raw agricultural commodity pistachio nuts at 1 part per million (ppm). No comments

or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.169 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before August 15, 1979, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective on July 16, 1979, Part 180, Subpart C, § 180.169 is amended by adding a tolerance for residues of carbaryl on pistachio nuts at 1 ppm as set forth below.

Dated: July 9, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)].)

Part 180, Subpart C, § 180.169 is amended by alphabetically inserting pistachio nuts at 1 ppm in the table to read as follows:

**§ 180.169 Carbaryl; tolerances for
residues.**

Commodity.	Parts per million
* * *	
Pistachio nuts	1
* * *	

[FR Doc. 79-21926 Filed 7-13-79; 8:45 am]

BILLING CODE 6560-01-M

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****41 CFR Ch. 18**

[Procurement Regulation Directives 78-14 and 78-15]

**Revision of Tables of Parts, Subparts
and Tables of Contents, and
Affirmative Action Requirements for
the Construction Industry**

AGENCY: NASA Procurement Regulation (NPR).

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18)

Procurement Regulation Directive (PRD) 78-14 was an updated compilation of the "Table of Parts and Subparts" and the "Tables of Contents" of the NASA Procurement Regulation published for the information of NASA PR users. This material was also incorporated in 41 CFR Chapter 18 revised July 31, 1978. Accordingly, in the interest of economy, PRD 78-14 will not be reprinted in the Federal Register. A copy of this PRD 78-14 may be obtained upon request to the Office of Procurement, NASA Headquarters, Code HP-1, Washington, D.C. 20546.

This document also reflects amendments contained in Procurement Regulation Directive 78-15 concerning implementation of the Department of Labor's new Part 60-4 in Title 41 of the CFR governing the affirmative action requirements for the construction industry.

EFFECTIVE DATE: July 16, 1979.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Policy Division (Code HP-1), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: 755-2237.

SUPPLEMENTARY INFORMATION: Incorporated in PRD 78-15 are: NASA's "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246 (October 1978))", a clause entitled "Affirmative Action Compliance Requirements for Construction (October 1978)" and NASA procedures for implementing Part 41 CFR 60-4 governing the affirmative action requirements for the construction industry.

(42 U.S.C. 2473(b)(1))

Stuart J. Evans,

Director of Procurement.

This PRD 78-15 supersedes PRD 77-3, dated April 11, 1977, located in 41 CFR

Ch. 18, Vol. III (Parts 20-52 and Appendices). PRD 77-3 appears at page 511 in the volume revised as of July 31, 1978.

NEW AFFIRMATIVE ACTION REQUIREMENTS—WOMEN AND MINORITY PARTICIPATION IN THE CONSTRUCTION INDUSTRY

I. Effect on Other Issuances

(a) This PRD supersedes PRD No. 77-3 dated April 11, 1977.

(b) To the extent of any conflict between the provisions of this PRD and other provisions of the NASA Procurement Regulation, the provisions of this PRD shall govern.

II. Background

(a) *General.* The Office of Federal Contract Compliance Programs (OFCCP), Department of Labor (DOL), promulgated a new Part 60-4 to Title 41 of the Code of Federal Regulations in the *Federal Register* of April 7, 1978 (43 FR 14888-14905). Part 60-4 established specific affirmative action standards for women in construction and consolidated and standardized requirements for construction contractors and subcontractors subject to Executive Order 11246, as amended, to promote equal employment opportunity in the construction industry. Also, this issuance deleted certain DOL regulations which were superseded by the new coverage. Part 60-4 was revised subsequently in the *Federal Register* of May 2, 1978 (43 FR 18672-73); and the goals and timetables established for female (Appendix A) and minority (Appendix B) utilization for construction contracts and subcontracts were corrected and republished in the *Federal Register* of May 5, 1978 (43 FR 19473-77).

The new DOL regulations focus on the dollar amount of the contract rather than on the dollar amount of the construction project, as was the rule in the superseded regulations. The new coverage applies to all nonexempt Federal and Federally assisted construction contracts in excess of \$10,000. In addition, codified in Part 60-4 is an OFCCP policy of covering construction work performed by construction contractors for nonconstruction contractors which is necessary in whole or in part to the performance of a nonconstruction contract in excess of \$10,000 (Section 60-4.1). The revised construction coverage includes a new solicitation "Notice" and a new contract clause designed to standardize and simplify various special bid conditions required

under the Hometown Plans and the Imposed Plans.

(b) *Solicitation Notice.* The new Notice is prescribed for inclusion in applicable solicitations for Federal and Federally assisted construction contracts in excess of \$10,000 (Section 60-4.2). Nonconstruction contractors who contract with construction contractors for construction work, which is necessary in whole or in part to the performance of a covered nonconstruction contractor, must also include the Notice in such contracts. The Notice puts the offeror on notice that the prospective contract (in excess of \$10,000) is subject to Executive Order 11246, as amended. The Notice also informs the offeror of the applicable goals and timetables and other requirements to which any contract resulting from the solicitation will be subject. In addition, the Notice requires the successful offeror to provide notice to the appropriate compliance agency and the OFCCP within 10 working days of the award of a subcontract under the contract and specifies the information to be included (Section 60-4.2).

(c) *Contract Clause.* A new contract clause (in addition to the standard Equal Opportunity Clause) is prescribed for use in all nonexempt Federal and Federally assisted construction contracts in excess of \$10,000 (Section 60-4.3). This clause is prescribed also for use in construction contracts awarded by nonconstruction contractors which are necessary in whole or in part to the performance of a Federal nonconstruction contract. The clause is designed to serve the same purpose which the Bid Conditions have served. However, the clause establishes specific and minimum affirmative action obligations. Such obligations, in large measure, are the good faith steps contained in the present Bid Conditions. While some of the good faith steps were modified before being adopted as required affirmative action obligations, other affirmative action obligations contained in the clause are entirely new.

(d) *Goals and Timetables.* The Director, Office of Federal Contract Compliance Programs, published a Notice in the *Federal Register* of April 7, 1978, which established goals and timetables for women and minorities in the construction industry (Appendices A and B), pursuant to Executive Order 11246. Note that the OFCCP had not previously required goals and timetables for women in the construction industry under the Equal Opportunity program. The initial goals and timetables prescribed in this Notice were corrected and republished in the *Federal Register*

of May 5, 1978, at pages 19473-77. The goals and timetables in Appendix A were established, for a period of three (3) years, on a nation-wide basis as the standards for female utilization for all trades. The goals and timetables prescribed for minorities under the Hometown Plan areas and the Imposed Plan areas have been incorporated in Appendix B. The goals for both women and minority participation are applicable to the contractor's aggregate on-site construction workforce, whether or not part of that workforce is performing work on a Federal or Federally assisted construction contract or subcontract. Applicable goals and timetables listed in Appendices A and B will be inserted by the contracting officer in the new solicitation "Notice" as required by Section 60-4.2.

The OFCCP Director, from time to time, will issue additional goals and timetables for minority and female utilization in construction, which will be based on appropriate workforce, demographic or other relevant data and which will cover construction projects or construction contracts performed in specific geographical areas (Section 60-4.6). The goals will be applicable to each construction trade in a covered contractor's or subcontractor's entire workforce which is working in the area covered by the goals and timetables. Such goals and timetables will be published in the *Federal Register* in a "Notice" of general information to the public.

(e) *Hometown Plans, Imposed Plans, and Special Bid Conditions.* The OFCCP has used a number of methods to implement the affirmative action requirements of Executive Order 11246, as amended, in the construction industry. These methods have included the Hometown Plan, Imposed Plan and Special Bid Conditions. The Hometown Plans are agreements among the contractors, the unions in a local area and the local minority community. Upon approval by the OFCCP, the plan constitutes the contractor's obligations under the Executive Order. The Imposed Plans primarily cover major metropolitan areas where there is substantial Federal or Federally assisted construction, and apply only to those projects which are in excess of \$500,000. The Special Bid Conditions apply to contractors working on certain high impact projects (agency) which are being constructed in an area that is not covered by a Hometown Plan or Imposed Plan. The OFCCP approves the Special Bid Conditions, which have

application only to the agency project for which they were approved.

The revised regulations require that all future solicitations for covered construction contracts will include the Notice and contract clause described above, in lieu of the Hometown and Imposed Plans (including the Philadelphia Plan), and the Special Bid Conditions. However, until the OFCCP Director has issued an Order establishing goals and timetables for minorities in the appropriate geographical areas or for a project covered by Special Bid Conditions, "the goals and timetables for minorities to be inserted in the Notice . . . shall be the goals and timetables contained in the Hometown Plan, Imposed Plan or Special Bid Conditions presently covering the respective geographical area or project involved." (See Section 60-4.4(a).)

(f) *Incorporation by Operation of the Order.* By operation of Executive Order 11246, as amended, the Equal Opportunity clause (Section 60-1.4), the solicitation Notice (Section 60-4.2) and the contract clause (Section 60-4.3) shall be deemed to be a part of every solicitation or of every contract and subcontract, as appropriate, required by the Order and the applicable DOL regulations to include such Notice and clauses, whether or not they are physically incorporated therein (see Section 60-4.9).

III. NASA Implementation.

Pending a formal revision to the NASA Procurement Regulation, the Department of Labor new Part 41 CFR 60-4 governing the affirmative action requirements for the construction industry will be implemented as follows:

(a) The "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246) (OCTOBER 1978)" set forth in Attachment 1 shall be included in all applicable solicitations involving construction in excess of \$10,000. Follow the Notice's parenthetical instructions by inserting the applicable construction trade(s), percentage goals and geographical description of the covered area. Approved goals and timetables are presently contained in Appendices A and B (43 FR 19473-77) and NASA Special Bid Conditions approved for the Kennedy Space Center, Langley Research Center, and Dryden Flight Research Center.

(b) In cases where a nonexempt contract involving construction in

excess of \$10,000 will be performed within a geographical area for which the OFCCP Director has not issued an Order establishing applicable minority goals and timetables, and where minority goals and timetables for such geographical area have not been established under any applicable NASA Special Bid Conditions approved by the Department of Labor, no minority goals and timetables will be inserted in the solicitation Notice. (In such cases, only the goals and timetables for women will be inserted in the Notice.)

(c) The Contractor Equal Opportunity (CEO) office at each NASA field installation shall establish and maintain a current listing of specific geographical areas that are subject to affirmative action requirements which specify minority and/or women's goals and timetables for covered construction trades. This listing should include any approved goals and timetables contained in applicable NASA Special Bid Conditions and the goals and timetables published in the Federal Register of May 5, 1978 (Appendices A and B) at page 19473. Any additional goals and timetables issued by the OFCCP Director and published as a "Notice" in the Federal Register will be furnished to each CEO office by the NASA Contract Compliance Officer, NASA Headquarters.

(d) The "Affirmative Action Compliance Requirements for Construction (OCTOBER 1978)" clause set forth in Attachment 2 shall be inserted in all applicable solicitations and resulting contracts involving construction in excess of \$10,000.

(e) When requested by the applicable compliance office, the procurement office shall arrange a conference among contractor, procuring activity and compliance personnel to discuss the contractor's compliance responsibilities.

(f) Contracting officers shall give written notice to the Director, OFCCP, within 10 working days of award of the contract subject to these affirmative action requirements. The notification shall include: the name, address, and telephone number of the contractor; employer identification number; dollar amount of the contract; estimated starting and completion dates of the contract; the contract number; and geographical area in which the contract is to be performed (Section 60-4.2(c)).

[FR Doc. 79-21819 Filed 7-13-79; 8:45 am]

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41 CFR Ch. 18, Parts 1, 3, 7, 8, 10, 13, 20, 23 and Appendix J

[Procurement Regulation Directive 78-17]

Procurement Regulations; Miscellaneous Amendments

AGENCY: NASA Procurement Regulation (NPR).

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18). It reflects amendments contained in Procurement Regulation Directive 78-17 concerning the following areas:

1. Code of Conduct
2. Limitation of Liability Clause for Service Contracts
3. Minority Business Enterprise Construction Subcontracting Clause
4. Industry and Small Business Size Standards
5. Contracting with the Small Business Administration
6. Environmental Protection-Solicitation Provision
7. Notice of Intent to Standardize
8. Limitation of Government's Obligation
9. Termination Clause
10. Performance and Payment Bonds for Construction Contracts
11. Providing Facilities
12. Use of Government Property on Work for Foreign Governments or International Organizations
13. Use of Government-Furnished Property (Short Form) Clause
14. Procedures for Procurements not Selected for Headquarters Review and Approval
15. Review of Contractors' Procurement Systems

EFFECTIVE DATE: July 16, 1979.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Policy Division (Code HP-1), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: 755-2237.

SUPPLEMENTARY INFORMATION: (1) Part 1.113-1 is editorially revised to update the references applicable to "Standards of Conduct" for NASA employees and special Government employees.

(2) Part 1.330(c)(3) is added to insert a "Limitation of Liability" clause to be used in service contracts except contracts for maintenance, repair, rehabilitation or modification of real property or architect-engineering services.

(3) An editorial change is made in the clause in Part 1.332-3(c) to change clause paragraph "(g)" to read "(f)." The clause date is not changed.